

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 2:19cr14KS-MTP

GLENN DOYLE BEACH, JR.

MOTION TO FILE UNDER SEAL

The United States of America, by and through its United States Attorney, respectfully requests this Court provide an order allowing the United States to file, under seal, the forthcoming related pleading and memorandum in support of that pleading.

Federal courts are empowered to seal documents in appropriate circumstances. *See, e.g.,* Fed. R. of Crim. P. 6(e)(4) (sealing of indictments). The Supreme Court has noted that “[e]very Court has supervisory power over its own records and files, and access has been denied where Court files might have become a vehicle for improper purposes.” *Nixon v. Warner Communications, Inc.*, 435 U.S. 589, 598 (1978). Moreover, federal district courts have the inherent power to seal affidavits filed with search warrants in appropriate circumstances. *See Washington Post v. Robinson*, 935 F.2d 282, 289 n.10 (D.C. Cir. 1991); *Offices of Lakeside Non-Ferrous Metals, Inc. v. United States*, 679 F.2d 778 (9th Cir. 1982); *United States v. Agosto*, 600 F.2d 1256 (9th Cir. 1979). This inherent power may be appropriately exercised when disclosure of an affidavit or declaration—or in this case, a motion, would disclose facts that would interfere with the seizure and forfeiture of assets. *See Shea v. Gabriel*, 520 F.2d 879 (1st Cir. 1979). Likewise, Federal Rule of Criminal Procedure 6(e)(2) makes it unlawful to disclose matters occurring before the grand jury unless disclosure is authorized by court order or exceptions to the general rule of secrecy. The forthcoming related pleading and the memorandum in support of

that pleading discloses facts that would interfere with the seizure and forfeiture of assets, and discloses matters occurring before the grand jury. As such, the forthcoming related pleading should be sealed from any access by the public. Because the memorandum in support of that pleading contains more specific details regarding the ongoing investigation, the memorandum in support of that pleading should be sealed from any access by the public and the litigants' counsel.

For the foregoing reasons, the United States requests the sealing from any access by the public: (1) the related pleading; and (2) any related orders. For the same reasons, the United States requests the sealing of the memorandum in support of the related pleading from any access by the public and the litigants' counsel.

Dated this the 16th day of July, 2019.

Respectfully submitted,

D. MICHAEL HURST, JR.
United States Attorney

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CERTIFICATE OF SERVICE

I, Mary Helen Wall, hereby certify that on this day, I electronically filed the foregoing with the Clerk of the Court using the ECF system which sent notification of such filing to all parties of interest.

On this, the 16th day of July, 2019.

s/ Mary Helen Wall
Mary Helen Wall
Asst. U.S. Attorney